

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MARY GRACE PURGANAN,
Plaintiff,

v.

FCI LENDER SERVICES, INC.,
Defendant.

Case No. 24-cv-06192-MMC

**ORDER DENYING EX PARTE
APPLICATION FOR TEMPORARY
RESTRAINING ORDER**

Before the Court is plaintiff Mary Grace Purganan's "Ex Parte Application," filed today's date, "for a Temporary Restraining Order to Restrain the Trustee's Sale." Having reviewed the Complaint, the Application, and the declarations submitted in support of the Application, the Court rules as follows.

Plaintiff alleges the \$991,068.89 amount she is required to pay to avoid foreclosure is "overinflated due to unlawful default interest and an unlawful balloon late payment penalty." (See Compl. ¶ 33.) Plaintiff, however, who acknowledges she is in default of her loan, fails to show she has the necessary funds to pay the outstanding balance less the charges she disputes.

Accordingly, a temporary restraining order to prohibit the sale of the property is hereby DENIED. See Winter v. Natural Resources Defense Council, Inc., 555 U.S. 7, 20 (2008) (holding moving party not entitled to injunctive relief in absence of showing she is "likely to succeed on the merits" and "likely to suffer irreparable harm in the absence of preliminary relief").

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1 The Court need not rule at this time on any other claims, such as the claim the
2 balance includes inflated charges, and resolution thereof is reserved for a later date.

3 **IT IS SO ORDERED.**

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5 Dated: September 3, 2024

/s/ Trina L. Thompson for

6 TRINA L. THOMPSON
7 United States District Judge
8 for MAXINE M. CHESNEY
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United States District Court
Northern District of California